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Attorney for Defendant
JOSHUA MAYFIELD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. Mag. 05-125 GGH

Plaintiff,)

v.)

JOSHUA MAYFIELD,)

Defendant.)

STIPULATION AND ORDER

Date: August 30, 2005

Time: 2:00 p.m.

Judge: Hon. Dale A. Drozd

IT IS HEREBY STIPULATED AND AGREED between plaintiff, United States of America, and defendant, Joshua Mayfield, through their counsel, that the preliminary hearing scheduled for August 30, 2005, may be continued to September 28, 2005, at 2:00 p.m.

The United States has proposed a pre-indictment resolution of the charge embodied in the complaint, which if accepted would obviate the need for preliminary hearing or indictment. The parties seek additional time to review and write their proposal. In order to have additional time to complete these tasks, and recognizing that a pre-indictment resolution may serve his best interests, Mr. Mayfield specifically consents to extend the time limit for the preliminary hearing, pursuant to Fed. R. Crim. P.

5.1(d), and the parties agree that their continued discussions constitute good cause to extend the time for preliminary hearing, taking into consideration the public interest in the prompt disposition of criminal cases. The parties further agree that time between the date of this order and September 28, 2005, may be excluded from the period within which an indictment must be filed under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(1)(A) (delay resulting from examination to determine physical capacity) and (h)(8)(A).

Respectfully submitted,

QUIN DENVIR
Federal Public Defender

Dated: August 26, 2005

/s/ T. Zindel
TIMOTHY ZINDEL
Assistant Federal Defender
Attorney for JOSHUA MAYFIELD

McGREGOR SCOTT
United States Attorney

Dated: August 26, 2005

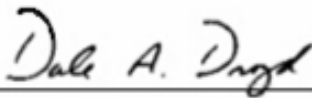
/s/ E. Endrizzi
ELLEN V. ENDRIZZI
Assistant U.S. Attorney
Attorney for Plaintiff

O R D E R

The preliminary hearing is continued to September 28, 2005, at 2:00 p.m. Time is hereby extended pursuant to Rule 5.1 and excluded under the Speedy Trial Act through September 28, 2005, for the reasons stated above and by agreement of the parties.

IT IS SO ORDERED.

DATED: August 29, 2005.


DALE A. DRCZD
UNITED STATES MAGISTRATE JUDGE

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